

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:20-cv-00295-MR-WCM**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**APPROXIMATELY \$6,458.05 IN
U.S. CURRENCY and ONE FNH
MODEL 509 FIREARM, MAGAZINE,
AND AMMUNITION seized from
Kelman Simpson on or about May
21, 2020, in Buncombe County,
North Carolina,**

Defendant.

**ORDER OF DEFAULT
JUDGMENT OF FORFEITURE**

THIS MATTER is before the Court on the Government's Motion for Default Judgment of Forfeiture. [Doc. 17].

The Government moves for the entry of a default judgment against all persons and entities with respect to the \$6,458.05 in U.S. Currency ("the Defendant Currency") and one FNH Model 509 Firearm, Magazine, and Ammunition ("the Defendant Firearm") (collectively, "the Defendant Properties") identified in the Verified Complaint, other than Melesha Simpson, whose claim to the Defendant Properties has been

resolved pursuant to the terms of a settlement agreement entered into between the Government and Ms. Simpson. [See Settlement Agreement, Doc. 15-1].

On October 13, 2020, the Government filed a Verified Complaint for Forfeiture *In Rem*, alleging that the Defendant Properties are subject to civil forfeiture pursuant to 21 U.S.C. §§ 881(a)(6) and 881(a)(11). [Doc. 1]. After the Government filed its Complaint, in accordance with Rule G(4)(b) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the Government provided direct notice of this action to known potential claimants. Specifically, on October 26, 2020, the Government mailed notice and a copy of the Complaint to Ms. Simpson and her son Kelman Simpson at their addresses of record. [Doc. 18-1]. Additionally, in accordance with Supplemental Rule G(4)(a), the Government provided notice by publication as to all persons with potential claims to the Defendant Properties by publishing notice via www.forfeiture.gov from November 3, 2020, through December 2, 2020. [Doc. 11].

On November 13, 2020, Ms. Simpson filed a claim to the Defendant Properties [Doc. 8], which she amended on December 7, 2020 [Doc. 10]. On January 27, 2021, Ms. Simpson filed an Answer to the Complaint. [Doc.

13]. The Government and Ms. Simpson thereafter reached a settlement of her claim. [See Doc. 15-1].

During the pendency of this action, no individual or entity other than Ms. Simpson has made a timely claim to the Defendant Properties. Accordingly, on February 18, 2021, the Government filed a motion for entry of default, Doc. 15, and on February 19, 2021, the Clerk entered default. Doc. 16.

Pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, the Government now requests that the Court enter a Default Judgment of Forfeiture as to all persons and entities with respect to the Defendant Properties, other than Ms. Simpson, whose claim was resolved pursuant to the terms of a settlement agreement. See United States v. 15 Trimont Lake Road, No. 2:10-cv-16, 2011 WL 309921 (W.D.N.C. Jan. 28, 2011) (entering Default Judgment of Forfeiture as to all other persons and entities when a claimant entered into settlement agreement).

After careful review, the Court finds that the Government has taken reasonable steps to provide notice to known potential claimants, and the Government has otherwise complied with the notice requirements set forth in Supplemental Rule G(4). Accordingly, the Court concludes that the Government's motion should be granted.

Accordingly, **IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED:**

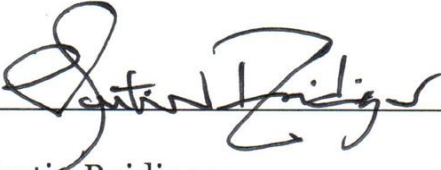
1. The Government's Motion for Default Judgment of Forfeiture [Doc. 17] is hereby **GRANTED**, and judgment is entered in favor of the United States against all persons and entities with respect to the Defendant Properties other than Melesha Simpson, whose claim to the Defendant Properties was resolved pursuant to the terms of a settlement agreement.

2. With the exception of the amount to be returned to Melesha Simpson under the terms of the settlement agreement, any right, title and interest of all other persons and entities to the Defendant Properties is hereby forfeited to the United States, and no other right, title, or interest shall exist.

3. The United States Marshal is hereby directed to dispose of the Defendant Properties as provided by law, consistent with the terms of the settlement agreement with Ms. Simpson.

IT IS SO ORDERED.

Signed: March 6, 2021



Martin Reidinger
Chief United States District Judge

